

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

R. DENNIS KENNEDY, ANGELES §  
VALENCIANO, PETER JASON §  
DEGROOT, and JASON LEE, §  
§ CIVIL ACTION NO.  
*Plaintiffs,* § 4:24-CV-02139  
§  
V. § JURY REQUESTED  
§  
UNITED STATES LIABILITY §  
INSURANCE COMPANY, §  
§  
*Defendant.* §

**DEFENDANT UNITED STATES LIABILITY INSURANCE  
COMPANY'S AMENDED NOTICE OF REMOVAL**

Under 28 U.S.C. §§ 1441 and 1446, Defendant United States Liability Insurance Company (“USLI” or “Defendant”) files its Amended Notice of Removal to the United States District Court for the Southern District of Texas, Houston Division, based on the diversity of citizenship, and respectfully shows the Court the following:

**I. Procedural background**

On May 3, 2024, Plaintiffs R. Dennis Kennedy (“Kennedy”), Angeles Valenciano (“Valenciano”), Peter Jason DeGroot (“DeGroot”), and Jason Lee (“Lee”) (collectively, “Plaintiffs”) sued United States Liability Insurance Company in the 281<sup>st</sup> Judicial District Court of Harris County, Texas in a matter titled Cause No. 2024-28091, *R. Dennis Kennedy, Angeles Valenciano, Peter Jason DeGroot and Jason Lee v. United States Liability Insurance Company.*

USLI received the Citation and a copy of the Plaintiffs' Original Petition styled *R. Dennis Kennedy, Angeles Valenciano, Peter Jason DeGroot, and Jason Lee v. United States Liability Insurance*, Cause No. 2024-28091, pending in the 281<sup>st</sup> Judicial District Court of Harris County, Texas.

USLI files this notice of removal within 30 days of receiving Plaintiffs' Original Petition. *See* 28 U.S.C. § 1446(b). Defendant files this Notice of Removal within one year of Plaintiffs' commencement of this lawsuit. *See id.*

All pleadings, processes, orders, and other filings in the state court action are attached to this Notice as required by 28 U.S.C. § 1446(a).

Attached are copies of the following documents:

- **Exhibit 1:** Index of Matters Being Filed;
- **Exhibit 2:** Civil Cover Sheet;
- **Exhibit 3:** State Court Docket Sheet;
- **Exhibit 4:** Plaintiffs' Original Petition;
- **Exhibit 5:** Return of Service and Citation served on USLI;
- **Exhibit 6:** USLI's Original Answer; and
- **Exhibit 7:** List of Counsel of Record.

## **II. Bases for removal**

Removal is proper based on diversity of citizenship under 28 U.S.C. §§ 1332(a)(1), 1441(a), and 1446.

### **A. Plaintiffs and Defendant USLI are diverse.**

Plaintiff R. Dennis Kennedy is an individual who resides in Harris County, Texas and is a Citizen of Texas.

Plaintiff Angeles Valenciano is an individual who resides in Bexar County, Texas and is a Citizen of Texas.

Plaintiff Peter Jason DeGroot is an individual who resides in Harris County, Texas and is a Citizen of Texas.

Plaintiff Jason Lee is an individual who resides in Harris County, Texas and is a Citizen of Texas.

Defendant United States Liability Insurance Company is a Pennsylvania corporation that is licensed to engage in the business of insurance in Texas. United States Liability Insurance Company is a Citizen of Pennsylvania for purposes of diversity jurisdiction.

Thus, this lawsuit is between citizens of different states, and there is complete diversity of citizenship between Plaintiffs and USLI.

**B. The Amount in controversy exceeds the jurisdictional requirements for subject matter jurisdiction.**

In determining the amount in controversy, the court may consider “policy limits... penalties, statutory damages, and punitive damages.” *St. Paul Reinsurance Co. v. Greenberg*, 134 F.3d 1250, 1253 (5th Cir. 1998); *see Ray v. State Farm Lloyds*, No. CIV.A.3:98-CV-1288-G, 1999 WL 151667, at \* 2-3 (N.D. Tex. Mar. 10, 1999) (finding a sufficient amount in controversy in plaintiffs’ case against their insurance company for breach of contract, fraud, negligence, gross negligence, bad faith, violations of the Texas Insurance Code, violations of the Texas Deceptive Trade Practices Act, and mental anguish); *Fairmont Travel, Inc. v. George S. May Int’l Co.*, 75 F. Supp.2d 666, 668 (S.D. Tex. 1999) (considering DTPA claims and the potential for recovery of punitive damages for the amount in controversy determination);

*Chittick v. Farmers Ins. Exch.*, 844 F. Supp. 1153, 1155 (S.D. Tex. 1994) (finding a sufficient amount in controversy after considering the nature of the claims, the types of damages sought, and the presumed net worth of defendant in a claim brought by the insureds against their insurance company for actual and punitive damages arising from a claim they made for roof damages).

This is a civil action in which the amount in controversy exceeds \$75,000. Paragraph 2 of Plaintiffs' petition states that the damages exceed \$250,000, but less than One Million Dollars. Plaintiffs, in the alternative, allege that they seek relief over One Million Dollars. See Original Petition, ¶ 2. Additionally, Plaintiffs seek attorney fees and treble damages under the Texas Insurance Code and DTPA ¶¶58-61. Plaintiffs pleaded an amount in controversy that exceeds the jurisdictional requirements necessary for federal jurisdiction.

**C. This removal is procedurally correct.**

USLI received notice of this lawsuit on May 7, 2024. Thus, USLI is filing this Notice within the 30 days required by 28 U.S.C. § 1446(b).

The venue is proper in this District and Division under 28 U.S.C. §1446(a) because i) this District and Division include the county in which the state action has been pending, and ii) a substantial part of the events giving rise to Plaintiffs' claims allegedly occurred in this District and Division.

Pursuant to 28 U.S.C. §1446(a), all pleadings, processes, orders, and all other filings in the state court action are attached to this Notice.

Promptly after USLI files this Notice of Removal, written notice of the filing will be given to Plaintiffs pursuant to 28 U.S.C. § 1446(d).

Promptly after USLI files this Notice of Removal, a true and correct copy of the same will be filed with the Clerk of the Harris County District Court pursuant to 28 U.S.C. § 1446(d).

### **III. Conclusion**

Based on the preceding, the exhibits submitted in support of this removal, and other documents filed along with this Notice of Removal, Defendant, United States Liability Insurance Company, now removes this case to this Court for trial and determination.

Respectfully submitted,

By: /s/ Raymond Kutch

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**ATTORNEYS FOR DEFENDANT  
UNITED STATES LIABILITY INS. CO.**

**CERTIFICATE OF SERVICE**

I certify a true and correct copy of this document was served on the following counsel of record in accordance with the Federal Rules of Civil Procedure on the 7th day of June, 2024:

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*/s/ Raymond Kutch*  
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